

APPEAL NO. 031549  
FILED AUGUST 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 20, 2003. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 16th, 17th, and 18th quarters. The appellant (carrier) appealed the hearing officer's determination, arguing that the great weight of other medical evidence is contrary to the designated doctor's report. The claimant responded, urging affirmance.

DECISION

Affirmed, as reformed.

The background facts are set out in Texas Workers' Compensation Commission Appeal No. 022604-s, decided November 25, 2002, and will not be repeated here. The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. At issue in this case is whether the claimant is entitled to SIBs for the 16th, 17th, and 18th quarters. It is undisputed that a designated doctor was appointed by the Texas Workers' Compensation Commission (Commission) to determine whether the claimant's medical condition had improved sufficiently to allow the employee to return to work. In evidence is a report dated November 8, 2001, by the Commission-appointed designated doctor, Dr. P, and he opined that the claimant was "unable to work." Section 408.151 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.110 (Rule 130.110) apply to the facts of this case, rather than Rule 130.102(d)(4). See Appeal No. 022604-s, *supra*.

Section 408.151 and Rule 130.110 provide, in part, that the report of the designated doctor shall have presumptive weight unless the great weight of the other medical evidence is to the contrary. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer gave presumptive weight to the designated doctor's report, as required by Rule 130.110(b), and determined that the report was not contrary to the great weight of the other medical evidence. Appeal No. 022604-s.

The carrier also argues that the claimant has not met the direct result requirement of Rule 130.102(b)(1). Rule 130.102(b)(1) requires that the claimant must establish that his unemployment is "a direct result of the impairment from the compensable injury." The hearing officer's Finding of Fact No. 6.B. states "Claimant's impairment from the compensable injury was a direct result of his unemployment." We note that the hearing officer incorrectly wrote that the impairment from the compensable injury is a direct result of the unemployment, rather than the unemployment is a direct result of the impairment from the compensable injury in accordance with Rule 130.102(b)(1). We

reform the hearing officer's Finding of Fact No. 6.B. to conform with Rule 130.102(b)(1) to state: "Claimant's unemployment was a direct result of the impairment from the compensable injury." The Appeals Panel has long held that the direct result requirement may be met by showing a serious injury with long-lasting effects, which precludes a return to the preinjury employment. Texas Workers' Compensation Commission Appeal No. 011443, decided August 1, 2001. The hearing officer was persuaded by the claimant's testimony and medical evidence that the claimant met the direct result requirement of Rule 130.102(b)(1).

The hearing officer's determination that the claimant is entitled to SIBs for the 16th, 17th, and 18th quarters is supported by sufficient evidence and it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed, as reformed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Veronica Lopez-Ruberto  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge